IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

DAVID STEBBINS,)
Plaintiff,)
v.))Case No. 10-3305-CV-S-RED
RELIABLE HEAT & AIR, LLC, et al., And)
RANDAL RICHARDSON, et al.)
Defendants.	<i>)</i>)

NOTICE OF APPEAL

Comes now Plaintiff David Stebbins, who respectfully submits the following notice of appeal. I intend to appeal the District Court's order denying my motion to confirm the arbitration award, which I have the right to do. See 9 U.S.C. § 16(a)(1)(D).

The district court erred in ruling that the arbitration agreement was invalid, and in denying confirmation of the arbitration award. The District Court claimed that, with arbitration, both parties must participate. However, that is simply not true, and I can provide case law directly on point, in my favor.

Besides, it is irrelevant because the Defendants did not file a motion to vacate, modify, or correct. In 2007, the Supreme Court made it perfectly clear in the case of *Hall Street Associates*, *LLC v. Mattel, Inc.* that the exclusivity of §§10 and 11 as avenues with which to fight the confirmation of an arbitration award is absolute; without them, the District Court absolutely *must* confirm the award, no exceptions.

In both of these areas, the District Court erred, and I now wish to appeal his erroneous decision.

Also, I am applying for leave to proceed in forma pauperis. Please approve this application.

Furthermore, I certify, under penalty of perjury, that a true and correct copy of this notice was served on Gary Allman, attorney for the Defense, by transmitting a copy thereof via email transmission on the 25th day of April, 2011.

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